



October 10, 2001

Mr. Steve Aragón  
General Counsel  
Texas Health and Human Services Commission  
P.O. Box 13247  
Austin, Texas 78711

OR2001-4587

Dear Mr. Aragón:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 152428.

The Texas Department of Health (the "department") received a written request for certain information in connection with its administration of the Medicaid Vendor Drug Program. Specifically, the requestor seeks the following categories of information:

- Questionnaires that [the department] receives from pharmaceutical drug manufacturers that provide pricing information associated with the Medicaid vendor drug program. . . . (I am seeking all questionnaires submitted from Jan. 1, 1998 through the present.)
- Any pricing updates received by the department that drug manufacturers are required to submit subsequent to the questionnaire. I am seeking all updates submitted from Jan. 1, 1998 through the present.

The department submitted to this office as responsive to the request nine boxes of documents containing the records at issue. The department did not contend that the requested information is excepted from public disclosure, but rather sought a decision from this office pursuant to section 552.305 of the Government Code, which allows governmental bodies to rely on third parties having a privacy or property interest in the information to submit their own arguments as to why the requested information is excepted from public disclosure. Because the administration of the Vendor Drug Program has been transferred to the Texas Health and Human Services Commission (the "commission"), we direct this open records ruling to the commission.

In accordance with section 552.305(d), the department was required to notify each of the drug manufacturers of the request and of their right to submit arguments to this office as to why their respective records should not be released. *See* Gov't Code § 552.305(d); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Gov't Code § 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exception to disclosure under Public Information Act in certain circumstances). An interested third party is allowed ten business days after the date of its receipt of the governmental body's notice under section 552.305(d) to submit its reasons, if any, as to why information relating to that party should be withheld from public disclosure. *See* Gov't Code § 552.305(d)(2)(B). Because of the large number of interested third parties associated with this ruling, we have attached a chart that summarizes the parties who have been notified by the department, whether the department submitted responsive documents related to those companies, whether the respective companies responded to the notification, the exceptions raised, if any, by the responding companies, and the exception granted, if any, that protects the company's pricing information.

In this instance, it appears that the department notified approximately 452 drug manufacturers of the current request for their respective records. As of the date of this letter, however, 354 of the notified drug manufacturers have not submitted comments to this office explaining why their respective records should or should not be released. Consequently, this office has no basis on which to conclude that the requested information pertaining to these drug manufacturers is excepted from disclosure. We therefore conclude that these companies' records, to the extent those records come within the scope of the request, must be released in their entirety.

Additionally, after reviewing the documents at issue, it appears the department failed to notify the following drug manufacturers that their respective records are subject to the records request, and consequently did not submit briefing to this office regarding their pricing information: Allison Medical; Altana, Inc.; Athena Neuroscience; Bioglan Pharmaceuticals; Brightstone Pharmaceuticals; Ciba Vision; D.J. Pharmaceuticals; G.D. Searle; Glenwood, L.L.C; Greenstone Limited; Iomed Labs; Ion Labs; Medeva Pharmaceuticals; Oakwood Labs; Ortho-McNeil; Owen Mumford; Pharmaceutical Consultants; Purdue Frederick; Rexall Sundown; Rugby Labs; Sherwood-Davis; Unigen Pharmaceuticals; and U.S. Bioscience.<sup>1</sup> Because this office did not receive any briefing on these companies' records, we have no basis on which to conclude that these drug manufacturers' pricing information is excepted from disclosure. This office therefore has no choice but to conclude that these companies' records are not excepted from public disclosure. Accordingly, the commission must release these companies' records to the extent they are responsive to the request.

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<sup>1</sup>These twenty-three drug manufacturers are not listed in the chart accompanying this ruling.

We now address the arguments raised by the drug manufacturers that responded to the department's notification letter as to why their respective records are excepted from required public disclosure. As a threshold issue, we first note that several of the drug manufacturers contend that their records are excepted from public disclosure because their records are the subject of a confidentiality agreement with either the federal government, the State of Texas, or with other parties. Information is not confidential under the Public Information Act simply because the party that submitted the information to the department anticipates or requests that it be kept confidential. *Industrial Found. v. Texas Indus. Accident Bd.*, 540 S.W.2d 668, 677 (Tex. 1976), *cert. denied* 430 U.S. 931 (1977). In other words, a governmental body cannot, through a contract, overrule or repeal provisions of the Public Information Act. Attorney General Opinion JM-672 (1987). Consequently, unless the requested information falls within an exception to disclosure, it must be released, notwithstanding any contract between the drug manufacturer and another party specifying otherwise.

Another threshold argument raised by some of the drug manufacturers is that the requested pricing information is not subject to the provisions of the Public Information Act because the information is commercially available from other sources. Section 552.027(a) of the Government Code provides:

A governmental body is not required under this chapter to allow the inspection of or to provide a copy of information in a commercial book or publication purchased or acquired by the governmental body for research purposes if the book or publication is commercially available to the public.

You have informed this office, however, that although drug manufacturers do allow certain pricing information to be contained in publications such as "Redbook," that information differs from the pricing information submitted in connection with the Vendor Drug Program, and that the pricing information at issue here does not appear in any commercially available publication. Based on your representations to this office, we conclude that the pricing information at issue here is not commercially available and therefore is not exempt from the provisions of the Public Information Act under section 552.027 of the Government Code.

We now address the applicability of the exceptions to required public disclosure under the Public Information Act raised by the responding drug manufacturers. Many of the responding drug manufacturers contend that their pricing information contained in the requested records is excepted from public disclosure pursuant to section 552.101 of the Government Code, which excepts from public disclosure "information considered to be confidential by law, either constitutional, statutory, or by judicial decision." One statute that several of the drug manufacturers raised in connection with section 552.101 is the federal Freedom of Information Act, 5 U.S.C., § 552(b). In Attorney General Opinion MW-95 (1979), this office held that the Freedom of Information Act "appl[ies] only to an 'agency' which is defined as an authority of the Government of the United States. See 5 U.S.C. §§ 551(1), 552(e), and 552a(a)(1). . . . Thus . . . the federal Freedom of Information Act . . .

[does not] appl[y] to records held by an agency of this state or its political subdivisions.” Because neither the department nor the commission is subject to the provisions of this federal statute, none of the records at issue may be withheld under the Freedom of Information Act.

Another federal statute raised by many of the responding drug manufacturers is section 1396r-8 of the federal Social Security Act, which makes confidential certain pricing information collected by the Secretary of the United States Department of Health and Human Services. In response to this office’s request for clarification of the applicability of this statute to the records at issue, *see* Gov’t Code § 552.303(b), (c), the department declined to provide such briefing, and instead referred this question to the commission. Accordingly, you have provided the following information:

This section of the Social Security Act deals with “payment for covered outpatient drugs,” and requires manufacturers to enter into rebate agreements with the Center for Medicare and Medicaid Services (“CMS”) . . . . to receive payment. 42 U.S.C. § 1396r-8(a)(1).

. . . .

After entering into the agreements, manufacturers must provide the CMS with quarterly average manufacturer pricing (“AMP”) information. *Id.* at § 1396r-8(k)(8). The Social Security Act provides that information submitted pursuant to its provisions “is confidential and shall not be disclosed” by the CMS, state agencies, or contractors therewith in a form that “discloses the identity of a specific manufacturer or wholesaler, [or] prices charged for drugs by such manufacturer or wholesaler . . . .” *Id.* at § 1396r-8(b)(3)(D). Thus, the Social Security Act provides that AMP information gathered *pursuant to a rebate agreement* is confidential as a matter of law.

Texas law allows for the collection of pricing information for a different reason – to determine whether certain medications fall within the Texas maximum allowable cost (“TMAC”) Medicaid reimbursement limits. 1 T.A.C. § 355.8545. In accordance with state law, the [Vendor Drug Program] obtains wholesale estimated acquisition cost (“WEAC”) or direct estimated acquisition cost (“DEAC”) data from drug manufacturers to determine appropriate Medicaid reimbursement limits. *Id.* at § 355.8545(a). Unlike the Social Security Act, the Texas Administrative Code does not specify whether WEAC or DEAC information is confidential as a matter of law.

Thus, the collection, content, use and confidentiality of pricing data under federal and state law are substantively different. . . . The CMS uses manufacturers’ average drug prices to calculate rebates, while the [Vendor Drug Program] uses wholesale or direct acquisition costs to determine how

to set reimbursement limits. Furthermore, unless manufacturers accidentally submit AMP numbers to the [Vendor Drug Program], the [Vendor Drug Program] never actually sees the confidential pricing information sent to the CMS. Instead, the CMS simply provides the [Vendor Drug Program] with a calculated list of rebate rates. Finally, while the Social Security Act provides that information collected pursuant to its rebate provisions is confidential, the Texas Administrative Code does not specify whether information gathered to establish TMAC's reimbursement limits is also protected from disclosure.

I understand some of the confusion surrounding the status of the pricing information may be due to statements on the [department's] web site relating to the [Vendor Drug Program]. In particular, the web site includes a statement to the effect that "[t]he Vendor Drug Program adheres to the confidentiality requires of 42 U.S.C. § 1396r-8(b)(3)(D) concerning drug pricing information."

This statement should only apply, of course, to information that is encompassed by the provision of the Social Security Act. [Emphasis in original.]

After reviewing your representations and the cited provisions of the Social Security Act, we agree with your conclusion that the information at issue here is not subject to, and therefore is not made confidential by, section 1396r-8. Accordingly, none of the pricing information at issue may be withheld under this federal provision.

Two of the responding drug manufacturers cite Open Records Decision No. 652 (1997) as authority for withholding its pricing information pursuant to section 552.101 of the Government Code. Open Records Decision No. 652 addressed under what circumstances "trade secret" information held by the Texas Natural Resource Conservation Commission must be withheld from the public pursuant to section 382.041 of the Health and Safety Code. By its terms, section 382.041 pertains only to information submitted to the Texas Natural Resource Conservation Commission, not the department or the commission. Consequently, none of the information at issue is made confidential by section 382.041 of the Health and Safety Code.

Some of the drug manufacturers argue that their pricing information comes under the protection of section 552.103 of the Government Code. Section 552.103 excepts from public disclosure information that "relates" to litigation to which a governmental body is or may be a party. To secure the protection of section 552.103, a governmental body must demonstrate that the requested information relates to pending or reasonably anticipated litigation to which the governmental body is a party. *University of Tex. Law Sch. v. Texas Legal Found.*, 958 S.W.2d 479 (Tex. App.—Austin 1997, no pet.); Open Records Decision No. 588 at 1 (1991).

Section 552.103 applies to information only where the litigation involves or is expected to involve the governmental body that is claiming the exception. Open Records Decision No. 392 (1983). Section 552.103 requires that a governmental body be a party to litigation; this exception does not extend to litigation involving only private parties. Open Records Decision No. 575 (1990). In this instance, neither the department nor the commission has raised section 552.103 on its own behalf, and the drug manufacturers lack standing to raise this exception on behalf of either the department or the commission. Consequently, to the extent that this exception would have applied to the information at issue, the exception has been waived. *See* Gov't Code § 552.301, .302; *see also* Open Records Decision No. 542 (1990) ("litigation exception" does not implicate third party rights and is waivable by a governmental body).

Some of the drug manufacturers contend that their pricing information is excepted from public disclosure pursuant to section 552.104 of the Government Code. Section 552.104 of the Government Code protects from required public disclosure "information that, if released, would give advantage to a competitor or bidder." Section 552.104 was not intended to protect business entities that are in competition in the private sector. The primary purpose of section 552.104 is to protect the *government's* purchasing interests by preventing a competitor or bidder from gaining an unfair advantage over other competitors or bidders. Consequently, none of the pricing information is excepted from public disclosure under section 552.104.

Finally, many of the responding drug manufacturers contend that their pricing information is excepted from public disclosure pursuant to section 552.110 of the Government Code. Section 552.110 of the Government Code protects the property interests of private persons by excepting from disclosure two types of information: (1) trade secrets obtained from a person and privileged or confidential by statute or judicial decision, and (2) commercial or financial information for which it is demonstrated based on specific factual evidence that disclosure would cause substantial competitive harm to the person from whom the information was obtained.

The Texas Supreme Court has adopted the definition of trade secret from section 757 of the Restatement of Torts. *See Hyde Corp. v. Huffines*, 314 S.W.2d 763 (Tex.), *cert. denied*, 358 U.S. 898 (1958); *see also* Open Records Decision No. 552 at 2 (1990). In determining whether particular information constitutes a trade secret, this office considers the Restatement's definition of trade secret as well as the Restatement's list of six trade secret factors.<sup>2</sup> *See id.* This office has held that if a governmental body takes no position with

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<sup>2</sup>The six factors that the Restatement gives as indicia of whether information constitutes a trade secret are: "(1) the extent to which the information is known outside of [the company]; (2) the extent to which it is known by employees and others involved in [the company's] business; (3) the extent of measures taken by [the company] to guard the secrecy of the information; (4) the value of the information to [the company] and [its] competitors; (5) the amount of effort or money expended by [the company] in developing the information; (6) the ease or difficulty with which the information could be properly acquired or duplicated by others."

regard to the application of the trade secret branch of section 552.110 to requested information, we must accept a private person's claim for exception as valid under that branch if that person establishes a *prima facie* case for exception and no argument is submitted that rebuts the claim as a matter of law. See Open Records Decision No. 552 at 5-6 (1990). The commercial or financial branch of section 552.110 requires the business enterprise whose information is at issue to make a specific factual or evidentiary showing, not conclusory or generalized allegations, that substantial competitive injury would result from disclosure. See Open Records Decision No. 661 (1999); see also *National Parks and Conservation Association v. Morton*, 498 F.2d 765, 770 (D.C. Cir. 1974); Open Records Decision No. 639 at 4 (1996) (to prevent disclosure of commercial or financial information, party must show by specific factual or evidentiary material, not conclusory or generalized allegations, that it actually faces competition and that substantial competitive injury would likely result from disclosure).

Many of the responding drug manufacturers have demonstrated how the release of their pricing information would result in competitive injury if their pricing information was released to the public; consequently, these companies' pricing information must be withheld from the public pursuant to section 552.110(b). On the other hand, none of the remaining drug manufacturers demonstrated the applicability of either aspect of section 552.110. Please refer to the attached chart, which is incorporated into this ruling. The commission must withhold the drug manufacturers' pricing information contained in the records at issue where we have indicated that the respective drug manufacturer met its burden under section 552.110(b). However, the remaining information contained in the requested questionnaires and pricing updates must be released. The requested questionnaires and pricing updates of all remaining drug manufacturers, including those that did not receive notice of the records request, must be released in their entirety.

This letter ruling is limited to the particular records at issue in this request and limited to the facts as presented to us; therefore, this ruling must not be relied upon as a previous determination regarding any other records or any other circumstances.

This ruling triggers important deadlines regarding the rights and responsibilities of the governmental body and of the requestor. For example, governmental bodies are prohibited from asking the attorney general to reconsider this ruling. Gov't Code § 552.301(f). If the governmental body wants to challenge this ruling, the governmental body must appeal by filing suit in Travis County within 30 calendar days. *Id.* § 552.324(b). In order to get the full benefit of such an appeal, the governmental body must file suit within 10 calendar days. *Id.* § 552.353(b)(3), (c). If the governmental body does not appeal this ruling and the governmental body does not comply with it, then both the requestor and the attorney general have the right to file suit against the governmental body to enforce this ruling. *Id.* § 552.321(a).

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RESTATEMENT OF TORTS § 757 cmt. b (1939); see also Open Records Decision Nos. 319 at 2 (1982), 306 at 2 (1982), 255 at 2 (1980).

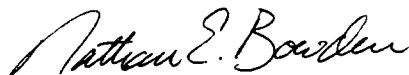
If this ruling requires the governmental body to release all or part of the requested information, the governmental body is responsible for taking the next step. Based on the statute, the attorney general expects that, within 10 calendar days of this ruling, the governmental body will do one of the following three things: 1) release the public records; 2) notify the requestor of the exact day, time, and place that copies of the records will be provided or that the records can be inspected; or 3) notify the requestor of the governmental body's intent to challenge this letter ruling in court. If the governmental body fails to do one of these three things within 10 calendar days of this ruling, then the requestor should report that failure to the attorney general's Open Government Hotline, toll free, at 877/673-6839. The requestor may also file a complaint with the district or county attorney. *Id.* § 552.3215(e).

If this ruling requires or permits the governmental body to withhold all or some of the requested information, the requestor can appeal that decision by suing the governmental body. *Id.* § 552.321(a); *Texas Dept. of Public Safety v. Gilbreath*, 842 S.W.2d 408, 411 (Tex. App.--Austin 1992, no writ).

Please remember that under the Act the release of information triggers certain procedures for costs and charges to the requestor. If records are released in compliance with this ruling, be sure that all charges for the information are at or below the legal amounts. Questions or complaints about over-charging must be directed to Hadassah Schloss at the General Services Commission at 512/475-2497.

If the governmental body, the requestor, or any other person has questions or comments about this ruling, they may contact our office. Although there is no statutory deadline for contacting us, the attorney general prefers to receive any comments within 10 calendar days of the date of this ruling.

Sincerely,



Nathan E. Bowden  
Assistant Attorney General  
Open Records Division

NEB/RWP/seg

Ref: ID# 152428

Enc: Submitted documents



c: Mr. Russell Gold  
Wall Street Journal  
1005 Congress Avenue, Suite 800  
Austin, Texas 78701  
(w/o enclosures)

Ms. Mary Ann Slavin  
Assistant General Counsel  
Texas Department of Health  
1100 West 49<sup>th</sup> Street  
Austin, Texas 78756-3199  
(w/o enclosures)

305 parties  
(w/o enclosures)

Company Name	Responsive documents submitted?	Company submitted response?	Exceptions raised	Exception granted*
3M PHARM.	YES	NO	N/A	NONE
A & Z PHARM.	NO	NO	N/A	N/A
AARON IND.	NO	NO	N/A	N/A
ABANA PHARM.	NO	NO	N/A	N/A
ABBOTT LAB.	YES	YES	552.104; 552.110(b)	552.110(b)
ABG LAB.	YES	NO	N/A	NONE
ABLE LAB.	YES	NO	N/A	NONE
ADAMS LAB.	YES	NO	N/A	NONE
ADVANCE PHARM.	NO	NO	N/A	N/A
ADVANCED VISION RESEARCH	NO	NO	N/A	N/A
AGOURON PHARM.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 5 U.S.C. § 552 (b); 552.110(a)	NONE
A.H. ROBINS	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
AKORN	YES	NO	N/A	NONE
ALCON LABS	YES	NO	N/A	NONE
ALLERGAN	YES	YES	42 U.S.C. § 1396r-8; H&S Code § 382.041; 552.110	NONE
ALMAY	NO	NO	N/A	N/A
ALPHAGEN LABS	NO	YES	Confidentiality agreement	N/A
ALPHARMA USPD	YES	YES	None	NONE
ALPHA THERAPEUTIC	YES	YES	552.110(a), (b)	NONE
ALTAIRE PHARM.	NO	NO	N/A	N/A
ALZA CORP	YES	NO	N/A	NONE
AMARIN PHARM.	NO	NO	N/A	N/A
AMERICAN GENERICS	NO	NO	N/A	N/A
AMERICAN HEALTH PACKA	NO	NO	N/A	N/A
AMERICAN PHARM. PARTNERS	NO	YES	552.110(b)	N/A
AMERICAN RED CROSS	YES	NO	N/A	NONE

AMERICAN REGENT LABOR	YES	NO	N/A	NONE
AMERIDERM LAB.	NO	NO	N/A	N/A
AMERX HEALTH CARE	NO	NO	N/A	N/A
AMGEN	YES	YES	Confidentiality agreement; 552.110(a), (b)	NONE
AMIDE PHARM.	YES	YES	552.104; 552.110(b)	552.110(b)
AMKAS LAB.	NO	NO	N/A	N/A
ANDRX PHARM.	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
APOTEX	YES	YES	552.110(a), (b)	552.110(b)
APOTHECON	YES	YES	42 U.S.C. § 1396r-8	NONE
ASCENT PEDIATRICS	YES	NO	N/A	NONE
ASLUNG PHARM.	NO	NO	N/A	N/A
ASTRA PHARM.	YES	YES	Confidentiality agreement	NONE
ATLEY PHARM.	NO	NO	N/A	N/A
AVENTIS PASTEUR	NO	NO	N/A	N/A
AVENTIS BEHRING (INCLUDES HOECHST MARION, RHONE-POULENC, AND DERMIK	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
AXCAN SCANDIPHARM	YES	YES	552.104; 552.110	NONE
AYERST LAB.	NO	YES	42 U.S.C. § 1396r-8; 552.110	N/A
BAJAMAR CHEMICAL	NO	YES	Confidentiality agreement; 552.110(a), (b)	N/A
BAKER NORTON PHARM.	NO	YES	552.027; 552.103; 552.110(b)	N/A
BALLAY PHARM.	YES	YES	552.110(a)	NONE
BARR LAB.	YES	NO	N/A	NONE
BASIC DRUGS	NO	NO	N/A	N/A
BAUSCH & LOMB PHARM.	YES	NO	N/A	NONE
BAUSCH & LOMB SURGICAL	NO	YES	552.110(b)	N/A
BAXTER BIOTECH	NO	NO	N/A	N/A
BAXTER HEALTHCARE	NO	YES	42 U.S.C. § 1396r-8; H&S Code § 110.006(g); 552.110(a), (b)	N/A
BAYER CORP.	YES	YES	552.104, 552.110(b)	552.110(b)

B. BRAUN MEDICAL	NO	NO	N/A	N/A
B.D. BECTON DICKINSON	YES	NO	N/A	NONE
BEACH PRODUCTS	YES	NO	N/A	NONE
BEDFORD LAB.	YES	NO	N/A	NONE
BERGEN BRUNSWIG	YES	NO	N/A	NONE
BERLEX LAB.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
BERTEK PHARM.	YES	NO	N/A	NONE
BETA DERM.	YES	NO	N/A	NONE
B.F. ASHER	YES	NO	N/A	NONE
BIOCRAFT LAB.	NO	NO	N/A	N/A
BIOGEN	NO	NO	N/A	N/A
BIOVAIL PHARM.	NO	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 552.110(b)	N/A
BLAINE COMPANY	YES	NO	N/A	NONE
BLAIREX LAB.	NO	NO	N/A	N/A
BLANSETT PHARM.	YES	NO	N/A	NONE
BOCO PHARM.	NO	NO	N/A	N/A
BOEHRINGER INGELHEIM PHARM.	YES	NO	N/A	NONE
BOEHRINGER MANNHEIM	NO	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	N/A
BONE CARE INTER.	YES	NO	N/A	NONE
BRADLEY PHARM.	YES	NO	N/A	NONE
BRAINTREE LAB.	YES	NO	N/A	NONE
BRECKENRIDGE	YES	NO	N/A	NONE
BRISTOL MYERS SQUIBB	YES	YES	42 U.S.C. § 1396r-8	NONE
BTG PHARM.	NO	NO	N/A	N/A
BURROUGHS WELLCOME	NO	NO	N/A	N/A
CAMALL CO.	YES	NO	N/A	NONE
CANGENE CORP.	NO	NO	N/A	N/A
CAPELLON PHARM.	YES	NO	N/A	NONE
CARACO PHARM.	YES	NO	N/A	NONE

CARLSBAD TECH.	YES	NO	N/A	NONE
CARNRICK LAB.	YES	NO	N/A	NONE
CAROLINA MEDICAL PRODUCTS	NO	NO	N/A	N/A
CARRINGTON LAB.	NO	NO	N/A	N/A
CARTER-WALLACE (INCLUDES "WALLACE LABS")	YES	YES	42 U.S.C. § 1396r-8	NONE
C.B. FLEET	NO	NO	N/A	N/A
CEBERT PHARM.	YES	NO	N/A	NONE
CELGENE CORP.	YES	NO	N/A	NONE
CELLTECH PHARM.	NO	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 552.110(a), (b)	N/A
CENTER LAB.	NO	NO	N/A	N/A
CENTOCOR	NO	NO	N/A	N/A
CEPHALON	YES	NO	N/A	NONE
CHAIN DRUG MARKETING	NO	NO	N/A	N/A
CHEMRICH LAB.	NO	NO	N/A	N/A
CHIRON CORP.	NO	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	N/A
CIRCA PHARM.	NO	YES	552.027; 552.103; 552.110(b)	N/A
CLAY-PARK LAB.	YES	NO	N/A	NONE
COATS ALOE INTERNATIONAL	YES	NO	N/A	NONE
COLGATE ORAL PHARM.	YES	NO	N/A	NONE
COLLAGENEX PHARM.	YES	NO	N/A	NONE
COLOPLAST CORP.	YES	NO	N/A	NONE
CONCORD LAB.	NO	NO	N/A	N/A
CONNETICS CORP.	YES	NO	N/A	NONE
CONTRACT PHARM.	NO	NO	N/A	N/A
COPLEY PHARM.	YES	NO	N/A	NONE
CREIGHTON PRODUCTS	NO	NO	N/A	N/A
CTEX PHARM.	YES	NO	N/A	NONE
CYPRESS PHARM.	YES	NO	N/A	NONE

D&K HEALTHCARE RESOURCES	NO	NO	N/A	N/A
DAIICHI PHARM.	YES	YES	42 U.S.C. § 1396r-8; 5 U.S.C. § 552(b); 552.110(a)	NONE
DANBURY PHARM.	NO	NO	N/A	N/A
DANCO LAB.	NO	NO	N/A	N/A
DANIELS PHARM.	NO	NO	N/A	N/A
DARTMOUTH PHARM.	NO	NO	N/A	N/A
DAWN PHARM.	NO	NO	N/A	N/A
DAYTON LAB.	NO	NO	N/A	N/A
DELTA PHARM.	YES	NO	N/A	NONE
DERMARITE IND.	NO	NO	N/A	N/A
DERMA SCIENCES	YES	NO	N/A	NONE
DEX GEN PHARM.	NO	NO	N/A	N/A
DEY L.P.	NO	NO	N/A	N/A
DIGESTIVE CARE	YES	NO	N/A	NONE
DIHOMA CHEM. & MFG.	NO	NO	N/A	N/A
DISTA PRODUCTS	NO	NO	N/A	N/A
DIXON-SHANE	NO	NO	N/A	N/A
DOAK DERMATOLOGICS	YES	NO	N/A	NONE
DOW HICKAM PHARM.	YES	NO	N/A	NONE
DRUGABUSE SCIENCES	NO	NO	N/A	N/A
DRUG EMPORIUM	NO	NO	N/A	N/A
DSC LAB.	NO	NO	N/A	N/A
DUNHALL PHARM.	NO	NO	N/A	N/A
DUPONT PHARM.	YES	NO	N/A	NONE
DURA PHARM.	YES	NO	N/A	NONE
DURAMED PHARM.	YES	NO	N/A	NONE
ECONOLAB	YES	NO	N/A	NONE
ECR PHARM.	YES	NO	N/A	NONE
EDWARDS PHARM.	NO	NO	N/A	N/A
EFFCON LAB.	NO	NO	N/A	N/A

E. FOUGERA	YES	NO	N/A	NONE
EISAI, INC.	NO	YES	552.027; 552.110(b)	N/A
ELAN PHARM.	YES	NO	N/A	NONE
ELGE INC.	NO	YES	None	N/A
ELI LILLY	YES	NO	N/A	NONE
ELKINS-SINN	NO	YES	42 U.S.C. § 1396r-8; 552.110	N/A
E.M. PHARMA	YES	NO	N/A	NONE
EMREX- ECONOMED PHARM.	NO	NO	N/A	N/A
ENDO PHARM.	YES	NO	N/A	NONE
ENZON, INC.	YES	NO	N/A	NONE
EON LABS.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
E.R. SQUIBB AND SONS	NO	YES	42 U.S.C. § 1396r-8	N/A
ESI LEDERLE	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
ETHEX CORP.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	NONE
EVERETT LAB.	NO	NO	N/A	N/A
EXCELLUIM PHARM.	NO	NO	N/A	N/A
EXCELSIOR MEDICAL	NO	NO	N/A	N/A
FALCON PHARM.	YES	NO	N/A	NONE
FAMILY PHARM.	NO	YES	None	N/A
FARO PHARM.	YES	NO	N/A	NONE
FAULDING PHARM.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 552.104; 552.110(a), (b)	552.110(b)
FERNDAL LAB.	YES	NO	N/A	NONE
FERRING PHARM.	NO	NO	N/A	N/A
FIELDING PHARM.	YES	NO	N/A	NONE
FLEMING AND COMPANY	YES	NO	N/A	NONE
FLUORITAB CORP.	NO	NO	N/A	N/A
FOREST LAB.	YES	NO	N/A	NONE
FOXMAYER DRUG CO.	NO	NO	N/A	N/A
GALDERMA LAB.	YES	NO	N/A	NONE
GALLIPOT INC.	YES	NO	N/A	NONE

GATE PHARM.	YES	NO	N/A	NONE
GEMINI PHARM.	NO	NO	N/A	N/A
GENDERM	NO	NO	N/A	N/A
GENENTECH	YES	YES	42 U.S.C. § 1396r-8; 552.110(a)	NONE
GENERAMED	NO	NO	N/A	N/A
GENETICS INST.	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
GENEVA PHARM.	NO	YES	552.104, 552.110(b)	N/A
GENSIA SICOR PHARM.	YES	YES	552.110(a), (b) (only for prices submitted after 8-1-99)	552.110(b)
GENZYME CORP.	YES	NO	N/A	NONE
GERI-CARE PHARM.	NO	NO	N/A	N/A
GERITREX CORP.	NO	NO	N/A	N/A
GILEAD SCIENCES	YES	NO	N/A	NONE
GLADES PHARM.	YES	NO	N/A	NONE
GLAXO WELLCOME	YES	YES	NONE	NONE
GLOBAL PHARM.	YES	NO	N/A	NONE
G.M. PHARM.	YES	NO	N/A	NONE
GOLDLINE LAB.	NO	YES	552.027; 552.103; 552.110(b)	N/A
GRAY PHARM.	NO	NO	N/A	N/A
GUARDIAN LAB.	NO	NO	N/A	N/A
GUY & O'NEILL	NO	NO	N/A	N/A
G & W LAB.	YES	YES	Confidentiality agreement; 552.110	NONE
GYNETICS, INC.	YES	NO	N/A	NONE
HALSEY DRUG	YES	NO	N/A	NONE
HAMILTON PHARM.	NO	YES	Responsive information does not exist; 42 U.S.C. § 1396r-8; 552.110(a), (b)	N/A
HAWTHORN PHARM.	YES	NO	N/A	NONE
HEALTH CARE	NO	NO	N/A	N/A
HEALTHPOINT	YES	NO	N/A	NONE
HEARTLAND HEALTHCARE	NO	NO	N/A	N/A
HERAN PHARM.	NO	NO	N/A	N/A
HERCON LAB.	NO	NO	N/A	N/A



HILL DERMACEUTICALS	YES	NO	N/A	NONE
HILLESTAD PHARM.	NO	NO	N/A	N/A
HIGHLAND PACKAGING	NO	NO	N/A	N/A
HI-TECH PHARM.	YES	NO	N/A	NONE
HOFFMANN-LA ROCHE	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	NONE
HOPE PHARM.	NO	NO	N/A	N/A
HORIZONPHARM.	YES	YES	42 U.S.C. § 1396r-8	NONE
HORUS THERAPEUTICS	NO	NO	N/A	N/A
HUCKABY PHARM.	NO	NO	N/A	N/A
HYPERION MED.	YES	NO	N/A	NONE
HYDREX PHARM.	NO	NO	N/A	N/A
ICN PHARM.	YES	NO	N/A	NONE
IMMUNEX CORP.	YES	YES	NONE	NONE
IMMUNO-U.S.	NO	NO	N/A	N/A
INKINE PHARM.	NO	NO	N/A	N/A
INSOURCE INC.	NO	NO	N/A	N/A
INTEGRITY PHARM.	YES	NO	N/A	NONE
INTERFERON SCIENCES	YES	NO	N/A	NONE
INTERMUNE PHARM.	YES	NO	N/A	NONE
INTERNATIONAL LAB.	NO	NO	N/A	N/A
INTERNATIONAL MEDICATION SYSTEMS	NO	NO	N/A	N/A
INTERPHARM	NO	NO	N/A	N/A
INVAMED INC.	NO	YES	42 U.S.C. § 1396r-8	N/A
INWOOD LAB.	YES	NO	N/A	NONE
IOPHARM LAB.	NO	NO	N/A	N/A
IYATA PHARM.	NO	NO	N/A	N/A
JACOBUS PHARM.	NO	NO	N/A	N/A
JANSSEN PHARM.	YES	NO	N/A	NONE

JEROME STEVENS PHARM.	NO	NO	N/A	N/A
J.J. BALAN	NO	NO	N/A	N/A
JOHNSON & JOHNSON	YES	NO	N/A	NONE
JONES PHARMA	YES	NO	N/A	NONE
JORDAN PHARM.	NO	NO	N/A	N/A
KERRY CO.	NO	NO	N/A	N/A
KING PHARM.	YES	NO	N/A	NONE
KIRKMAN SALES	NO	NO	N/A	N/A
KNOLL PHARM.	YES	NO	N/A	NONE
KONSYL PHARM.	YES	NO	N/A	NONE
KOS PHARM.	YES	NO	N/A	NONE
KREMERS URBAN	YES	NO	N/A	NONE
LANNETT CO.	YES	NO	N/A	NONE
LASER INC.	NO	NO	N/A	N/A
LAYTON BIOSCIENCE	NO	NO	N/A	N/A
LEADER BRAND	NO	NO	N/A	N/A
LEDERLE LAB.	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
LIFECYCLE VENTURES	NO	YES	552.110(b)	N/A
LINI, INC.	NO	NO	N/A	N/A
LIGAND PHARM.	YES	NO	N/A	NONE
LIPOSOME CO.	NO	NO	N/A	N/A
LNK INTERNATIONAL	YES	YES	552.110(b)	NONE
LOTUS BIOCHEMICAL	NO	NO	N/A	N/A
L. PERRIGO	NO	YES	552.104, 552.110(a), (b)	N/A
LTC PRODUCTS	NO	NO	N/A	N/A
LUITPOLD PHARM.	NO	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	N/A
LUNSCO, INC.	NO	NO	N/A	N/A
LYPHOMED DIV. FUJISAWA	YES	YES	552.110(b)	NONE
MAJOR PHARM.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
MALLINCKRODT	YES	NO	N/A	NONE

MARLOP PHARM.	NO	NO	N/A	N/A
MARNEL PHARM.	YES	NO	N/A	NONE
MARSAM PHARM.	YES	NO	N/A	NONE
MARTEC PHARM.	YES	NO	N/A	NONE
MARTIN EKWEALOR PHARM.	NO	NO	N/A	N/A
MCKESSON CORP.	YES	NO	N/A	NONE
MCNEIL-PPC	YES	NO	N/A	NONE
MCR-AMERICAN PHARM.	NO	NO	N/A	N/A
MEAD JOHNSON	YES	YES	42 U.S.C. § 1396r-8	NONE
MED-DERM PHARM.	NO	NO	N/A	N/A
MEDEFIL, INC.	NO	NO	N/A	N/A
MEDICINES CO.	NO	NO	N/A	N/A
MEDICIS DERMATOLOGICS	YES	YES	552.110(a), (b)	NONE
MEDIMMUNE	YES	NO	N/A	NONE
MEDIREX INC.	YES	NO	N/A	NONE
MED-TEK PHARM.	NO	NO	N/A	N/A
MEDTRONIC INC.	NO	NO	N/A	N/A
MERCK & CO.	YES	NO	N/A	NONE
MERTZ PHARM.	YES	NO	N/A	NONE
MGI PHARMA	YES	NO	N/A	NONE
MGP APOTHECON	NO	NO	N/A	N/A
MGP-MORTON GROVE PHARM.	YES	NO	N/A	NONE
MIKART INC.	NO	NO	N/A	N/A
MISSION PHARMACAL	YES	NO	N/A	NONE
MONARCH PHARM.	YES	NO	N/A	NONE
MOVA LAB.	YES	NO	N/A	NONE
MURO ASTA	YES	NO	N/A	NONE
MUTUAL PHARM.	YES	NO	N/A	NONE
MYLAN PHARM.	YES	NO	N/A	NONE
NABI	YES	NO	N/A	NONE

NEIL LAB.	NO	NO	N/A	N/A
NEPHRON PHARM.	YES	NO	N/A	NONE
NEPHRO-TECH	NO	YES	NONE	N/A
NEXSTAR PHARM.	NO	NO	N/A	N/A
NICHE PHARM.	YES	NO	N/A	NONE
NMC LAB.	NO	NO	N/A	N/A
NNODUM CORP.	NO	NO	N/A	N/A
NOMAX, INC.	NO	NO	N/A	N/A
NOVARTIS CONSUMER	NO	NO	N/A	N/A
NOVARTIS OPHTHALMICS	NO	NO	N/A	N/A
NOVARTIS PHARM.	YES	YES	42 U.S.C. § 1396r-8	NONE
NOVO NORDISK PHARM.	YES	NO	N/A	NONE
NOVOPHARM USA	YES	NO	N/A	NONE
NUTRAMAX PRODUCTS	YES	NO	N/A	NONE
OCUSOFT INC.	NO	NO	N/A	N/A
ODYSSEY PHARM.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 18 U.S.C. § 1905; 552.110(a), (b)	552.110(b)
OHM LAB.	NO	NO	N/A	N/A
OMNII PRODUCTS	NO	NO	N/A	N/A
ORGANON INC.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
ORPHAN MEDICAL	NO	NO	N/A	N/A
ORTHO BIOTECH	YES	NO	N/A	NONE
ORTHO PHARM.	YES	NO	N/A	NONE
OTSUKA AMERICA	YES	NO	N/A	NONE
PACIFIC PHARMA	YES	NO	N/A	NONE
PADDOCK LAB.	YES	NO	N/A	NONE
PARKEDALE PHARM.	NO	NO	N/A	N/A
PAN AMERICAN LAB.	YES	NO	N/A	NONE
PARMED PHARM.	NO	NO	N/A	N/A
PAR PHARM.	YES	NO	N/A	NONE
PATHOGENESIS	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)

PEACHTREE PHARM.	YES	NO	N/A	NONE
PECOS PHARM.	YES	NO	N/A	NONE
PEDINOL PHARMACAL	YES	NO	N/A	NONE
PENEDERM INC.	YES	NO	N/A	NONE
PENN LABS	NO	NO	N/A	N/A
PERSON & COVEY	NO	NO	N/A	N/A
PETERS LAB.	NO	NO	N/A	N/A
PFIZER INC.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 5 U.S.C. § 552 (b); 552.110(a)	NONE
PFIZER-ROERIG	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 5 U.S.C. § 552 (b); 552.110(a)	NONE
PHARMACIA	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
PHARMACEUTICAL ASSOCIATES	YES	NO	N/A	NONE
PHARMACIST CHOICE	NO	NO	N/A	N/A
PHARMASCIENCE LAB.	NO	NO	N/A	N/A
PHARMA-TEK	NO	NO	N/A	N/A
PHARMICS, INC.	NO	NO	N/A	N/A
POLYMEDICA	NO	NO	N/A	N/A
POLY PHARM.	NO	NO	N/A	N/A
PRATT PHARM.	NO	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 5 U.S.C. § 552 (b); 552.110(a)	N/A
PRAXIS BIOLOGICS	NO	YES	42 U.S.C. § 1396r-8; 552.110	N/A
PRIME MARKETING	NO	NO	N/A	N/A
PROCTER & GAMBLE	YES	NO	N/A	NONE
PROMETHEUS LAB.	NO	NO	N/A	N/A
PROPHARMA	NO	NO	N/A	N/A
PROPST PHARM.	NO	NO	N/A	N/A
PURDUE PHARMA	YES	NO	N/A	NONE
PUREPAC PHARM.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 552.104, 552.110(a), (b)	552.110(b)

QUALITEST PRODUCTS	YES	NO	N/A	NONE
R.A. MCNEIL	NO	NO	N/A	N/A
R & D LAB.	YES	NO	N/A	NONE
R & S PHARMA	YES	NO	N/A	NONE
RADFORD THERAPEUTICS	NO	NO	N/A	N/A
RANBAXY PHARM.	YES	NO	N/A	NONE
RECKITT & COLMAN PHARM.	YES	NO	N/A	NONE
REESE CHEMICAL	NO	NO	N/A	N/A
RELIANT PHARM.	NO	YES	42 U.S.C. § 1396r-8	N/A
RESPA PHARM.	NO	NO	N/A	N/A
R.I.D., INC.	NO	NO	N/A	N/A
RIJ PHARM.	NO	NO	N/A	N/A
RISING PHARM.	NO	NO	N/A	N/A
ROBERTS PHARM.	YES	YES	552.110(a), (b) (for NDC # 58521, 54092, and 59441 only)	552.110(b)
ROCAP	NO	NO	N/A	N/A
ROSEMONT PHARM.	YES	NO	N/A	NONE
ROXANE LAB.	YES	NO	N/A	NONE
RX FORMULATIONS	NO	NO	N/A	N/A
ROYCE LAB.	NO	NO	N/A	N/A
RYSTAN CO.	YES	NO	N/A	NONE
SAGE PHARM.	NO	NO	N/A	N/A
SALIX PHARM.	NO	NO	N/A	N/A
SANGSTAT MED.	YES	NO	N/A	NONE
SANKYO PHARMA	NO	YES	42 U.S.C. § 1396r-8; 5 U.S.C. § 552(b); 552.110(a)	N/A
SANOFI PHARM.	YES	YES	42 U.S.C. § 1396r-8	NONE
SANTEN, INC.	NO	NO	N/A	N/A
SAVAGE LAB.	YES	NO	N/A	NONE
SCHWARZ PHARMA	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
SCHEIN PHARM.	YES	NO	N/A	NONE
SCHERING CORP.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)

SCOT-TUSSIN	NO	NO	N/A	N/A
SEATRACE PHARM.	NO	NO	N/A	N/A
SELECT BRAND	NO	NO	N/A	N/A
SENECA PHARM.	NO	NO	N/A	N/A
SEPRACOR, INC.	YES	YES	42 U.S.C. § 1396r-8; 5 U.S.C. § 552(b); 552.110(a)	NONE
SEQUUS PHARM.	NO	NO	N/A	N/A
SERONO LAB.	YES	NO	N/A	NONE
SEVEN OAKS PHARM.	NO	NO	N/A	N/A
SHERWOOD MEDICAL	YES	NO	N/A	NONE
SHIRE RICHWOOD	YES	YES	552.110(a), (b) (for NDC # 58521, 54092, and 59441 only)	552.110(b)
SIDMAK LAB.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 18 U.S.C. § 1905; 552.110(a), (b)	552.110(b)
SIGMA-TAU PHARM.	NO	NO	N/A	N/A
SILARX PHARM.	YES	NO	N/A	NONE
SIRIUS LAB.	NO	NO	N/A	N/A
SKY PHARM.	YES	NO	N/A	NONE
SMITH & NEPHEW	NO	NO	N/A	N/A
SMITHKLINE BEECHAM	YES	YES	None	NONE
SNUVA, INC.	NO	YES	None	N/A
SOLVAY PHARM.	YES	NO	N/A	NONE
SOMERSET PHARM.	YES	NO	N/A	NONE
SPEYWOOD PHARM.	NO	NO	N/A	N/A
STAR PHARM.	NO	YES	H&S Code § 382.041; 552.110(a), (b)	N/A
STERIS LAB.	NO	NO	N/A	N/A
STEWART- JACKSON PHARM.	YES	NO	N/A	NONE
STIEFEL LAB.	YES	NO	N/A	NONE
STORZ INSTRUMENT	NO	YES	N/A	N/A
STRATUS PHARM.	NO	NO	N/A	N/A
SUPERIOR PHARM.	NO	NO	N/A	N/A

SUPPOSITORIA LAB.	NO	NO	N/A	N/A
SYNTEX LAB.	NO	NO	N/A	N/A
TAKEDA PHARM.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	NONE
TAP PHARM.	YES	NO	N/A	NONE
TARO PHARM.	YES	NO	N/A	NONE
TAYLOR PHARM.	NO	NO	N/A	N/A
TEVA PHARM.	YES	NO	N/A	NONE
THAMES PHARMACAL	YES	NO	N/A	NONE
THER-RX, CORP.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	NONE
TIME-CAP LABS	NO	NO	N/A	N/A
TOPIX PHARM.	NO	NO	N/A	N/A
TRANSKARYOTIC	NO	NO	N/A	N/A
TRIGEN LAB.	NO	YES	None	N/A
TRI-MED LAB.	NO	NO	N/A	N/A
UAD LAB.	NO	NO	N/A	N/A
UCB PHARMA	YES	NO	N/A	NONE
UCYCLYD PHARMA	YES	NO	N/A	NONE
UDL LAB.	YES	NO	N/A	NONE
UNICO HOLDINGS	NO	YES	552.110	N/A
UNIMED PHARM.	YES	NO	N/A	NONE
UNITED RESEARCH LAB.	YES	NO	N/A	NONE
UPSHER-SMITH LAB.	YES	NO	N/A	NONE
U.S. PHARM.	YES	NO	N/A	NONE
VANGARD LABS	YES	YES	Pricing information not responsive to request	Submitted documents not responsive
VERSAPHARM	YES	NO	N/A	NONE
VINTAGE PHARM.	YES	NO	N/A	NONE
VIRCO PHARM.	NO	NO	N/A	N/A
VITALINE CORP.	NO	NO	N/A	N/A
VIVUS, INC.	NO	NO	N/A	N/A
WALSH DIST.	YES	NO	N/A	NONE



WAKEFIELD PHARM.	YES	NO	N/A	NONE
WARNER CHILCOTT LAB.	YES	NO	N/A	NONE
WARNER-LAMBERT CO.	YES	YES	Confidentiality agreement; 42 U.S.C. § 1396r-8; 5 U.S.C. § 552 (b); 552.110(a)	NONE
WARRICK PHARM.	YES	YES	42 U.S.C. § 1396r-8; 552.110(a), (b)	552.110(b)
WATSON PHARM. (INCLUDES OCLASSEN PHARM.)	YES	YES	552.027; 552.103; 552.110(b)	552.110(b)
WE PHARM.	YES	NO	N/A	NONE
WELGEN	NO	NO	N/A	N/A
WEST-WARD PHARM.	YES	NO	N/A	NONE
WESTWOOD SQUIBB PHARM.	YES	YES	42 U.S.C. § 1396r-8	NONE
WHITEHALL-ROBINS	NO	YES	42 U.S.C. § 1396r-8; 552.110	N/A
WINSOR PHARM.	NO	NO	N/A	N/A
WOMEN FIRST HEALTHCARE	YES	NO	N/A	NONE
WYETH LAB.	YES	YES	42 U.S.C. § 1396r-8; 552.110	NONE
XACTDOSE, INC.	YES	NO	N/A	NONE
ZENECA PHARM.	YES	YES	Confidentiality agreement	NONE
ZENITH LAB.	YES	YES	552.027; 552.103; 552.110(b)	552.110(b)
ZILA PHARM.	NO	NO	N/A	N/A
ZOETICA PHARM.	YES	NO	N/A	NONE
ZYBER PHARM.	NO	NO	N/A	N/A

\* Pricing information only